

Circuit Court for Baltimore City  
Case No. 24-C-23-003357

UNREPORTED\*

IN THE APPELLATE COURT

OF MARYLAND

No. 416

September Term, 2024

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IN THE MATTER OF THE PETITION OF  
TIJON M. COX

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Nazarian,  
Beachley,  
Harrell, Glenn T., Jr.  
(Senior Judge, Specially Assigned),

JJ.

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Opinion by Nazarian, J.

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Filed: July 28, 2025

\* This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for persuasive value only if the citation conforms to Maryland Rule 1-104(a)(2)(B).

After denying Tijon Cox’s application for Pandemic Unemployment Assistance benefits and holding two hearings on his administrative appeal, the Maryland Department of Labor’s Division of Unemployment Insurance (the “Agency”) issued a notice upholding the denial and giving Mr. Cox until March 3, 2022 to file an appeal with its Board of Appeals (the “Board”). Mr. Cox didn’t appeal until June 28, 2023 and the Board dismissed his case. He filed a petition for judicial review in the Circuit Court for Baltimore City and on January 25, 2024, the court affirmed the Board’s decision. On February 7, 2024, Mr. Cox filed a motion for reconsideration with the circuit court. The court denied his motion on March 28 and he noted a timely appeal from that decision on April 5, 2024. We affirm.

## **I. BACKGROUND**

On August 17, 2021, the Agency denied Mr. Cox’s application for Pandemic Unemployment Assistance benefits. He appealed immediately to its Lower Appeals Division. The Lower Appeals Division held a hearing and upheld the Agency’s decision. Mr. Cox appealed immediately to the Board. The Board concluded that the Agency’s notices had been defective, that Mr. Cox had possibly waived his right to adequate notice unknowingly, and that the hearing examiner hadn’t assessed his eligibility or the available evidence fully before making a benefit determination. The Board remanded his case to the Lower Appeals Division for a second hearing before a different hearing examiner.

After a second hearing, the Agency issued a decision dated February 16, 2022 upholding its denial of Mr. Cox’s application. The decision set an appeal deadline of March 3, 2022. Mr. Cox didn’t appeal the decision until June 28, 2023. The Board dismissed his

case, stating that it had no jurisdiction to hear the late appeal.

Mr. Cox then filed a petition for judicial review in the Circuit Court for Baltimore City. The court held a hearing on January 17, 2024 and affirmed the Board’s decision on January 25. Mr. Cox filed a motion for reconsideration with the circuit court on February 7, 2024. He argued that the court had relied impermissibly on the Agency’s statements as evidence and had ignored his supporting documents:

The Honorable Judge made a decision based on the Hearsay of the Respondent. The Honorable Judge did not address the Documents that is the basis of which allow the Petitioner to file Appeal to this court. The Honorable Judge did not ask any questions about the information documents that was included in the Petition.

The court denied his motion on March 28, 2024 and he noted an appeal to this Court on April 5.

## II. DISCUSSION

Mr. Cox’s informal brief restates the disagreements he presented to the circuit court in his motion for reconsideration.<sup>1</sup> From that, we extract the issue before us: whether the

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<sup>1</sup> Mr. Cox identified the issues on appeal as follows:

1. The Honorable Judge Denied Appellant/Petitioner Motion for Reconsideration.
2. The Honorable Judge made a decision based on the Hearsay of the Appellee/Respondent.
3. The Honorable Judge did not ask any questions about the Appellant/Petitioner Documents.

The Agency’s Question Presented is:

Continued . . .

circuit court abused its discretion when it denied Mr. Cox’s motion for reconsideration. We hold that the court didn’t abuse its discretion because Mr. Cox’s motion didn’t raise compelling grounds that warranted revision of its judgment under Maryland Rule 2-535.<sup>2</sup>

We note first how the procedural setup of this case sets the boundaries of the issue we are deciding. Mr. Cox didn’t appeal the circuit court’s decision affirming the Board’s dismissal—the deadline for challenging that decision expired on February 25, 2024. He *did* appeal the court’s denial of his motion for reconsideration on time, leaving that decision as the one (and only one) before us. *See Hossainkhail v. Gebrehiwot*, 143 Md. App. 716, 723 (2002) (A motion for reconsideration that isn’t filed within ten days after entry of a court judgment doesn’t extend the period for appealing that original judgment). Because a decision whether to exercise revisory power over a judgment is “an equitable consideration within [the court’s] sound discretion,” *Brower*, 256 Md. App. at 72 (*quoting Tyrone W. v. Danielle R.*, 129 Md. App. 260, 281 (1999), *aff’d sub nom. Langston v. Riffe*, 359 Md. 396 (2000)), we assess the court’s decision for abuse of discretion. *Bennett v. State Dep’t of Assessments & Tax’n*, 171 Md. App. 197, 203 (2006) (citations omitted);

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1. Did the Board properly apply its own statute and regulation when it determined that it had no jurisdiction to consider Mr. Cox’s untimely appeal and the Hearing Examiner’s determination is final?

<sup>2</sup> Because Mr. Cox asked the circuit court to reconsider (and to change) its decision affirming the Board’s dismissal of his administrative appeal, we treat his pleading as a revisory motion brought under Maryland Rule 2-535. *See Brower v. Ward*, 256 Md. App. 61, 70 (2022) (“It has long been the rule in Maryland that a motion, however labeled, may be treated as a motion to revise under Rule 2-535 where the substance of the motion was clearly a request to revise the judgment.”); Md. Rule 2-535(a).

*see also Grimberg v. Marth*, 338 Md. 546, 553 (1995) (When reviewing a denial of a 2-535 motion, we ask whether the court abused its discretion in declining to reconsider the judgment); *Schade v. Md. State Bd. of Elections*, 401 Md. 1, 34 (2007) (An abuse of discretion occurs when a judgment is “manifestly unreasonable, or exercised on untenable grounds, or for untenable reasons.” (quoting *Jenkins v. City of Coll. Park*, 379 Md. 142, 165 (2003))).

In this appeal, Mr. Cox raises issues with the circuit court’s original ruling, and really with the Agency’s decision. He argues that the court failed to consider his supporting documents at the hearing and relied erroneously on the Agency’s statements as evidence. These arguments seek to raise direct challenges to the court’s January 25 decision, but the opportunity to raise any challenges came and went on February 25, 2024. This distinction matters because it is improper to use a revisory motion “to attack the legality of the underlying ruling itself.” *Stuples v. Balt. City Police Dep’t*, 119 Md. App. 221, 240 (1998); *see Sydnor v. Hathaway*, 228 Md. App. 691, 708 (2016) (“[T]he merits of the judgment itself are not open to direct attack” unless they are inseparable from the issue of whether the court should have denied a motion for reconsideration. (quoting *Stuples*, 119 Md. App. at 241)). A revisory motion is appropriate when there are “meritorious defenses or other equitable circumstances [that] justify reversal” of the court’s original judgment, *Hossainkhail*, 143 Md. App. at 728, or when there is “an error and a compelling reason [for the court] to reconsider the underlying ruling.” *Sydnor*, 228 Md. App. at 708 (quoting *Schlotzhauer v. Morton*, 224 Md. App. 72, 85 (2015), *aff’d*, 449 Md. 217 (2016)).

Keeping our attention on Mr. Cox’s motion for reconsideration, then, we conclude that it didn’t provide the kind of compelling grounds that would warrant revision of a final judgment. His motion didn’t provide any “equitable considerations” that would have made revision necessary to avoid an unjust outcome. *See Brower*, 256 Md. App. at 71–72 (affirming circuit court’s decision to grant motion to intervene and to revise order ratifying distribution of foreclosure surplus proceeds to appellant because there was no dispute that government intervenor was entitled to proceeds under loan contract from which appellant had “received the benefit of an eight-year, interest free loan”); *Schlotzhauer*, 224 Md. App. at 82–83, 89 (circuit court “was obligated to revisit its ruling and to consider the consequences of its unintended error” after appellant’s revisory motion informed it of a legal ruling in her bankruptcy case that conflicted with the circuit court’s legal conclusion).

Moreover, Mr. Cox’s motion didn’t identify a serious error that compelled reconsideration. *Hossainkhail*, 143 Md. App. at 724 (We won’t reverse the denial of a revisory motion “unless there is grave reason for doing so.”). His motion asserted that the court had failed to address or ask questions about the documents he submitted as proof of employment, but those actions, if taken by the court, would have been an overreach. Md. Code (1999, Repl. Vol. 2016), § 8-5A-12 of the Labor and Employment (“LE”) Article entitles an aggrieved person to seek judicial review of a “final decision of the Board of Appeals,” not a decision of the Agency’s Lower Appeals Division. *Id.* § 8-5A-12(a)(1). Yet the supporting documents Mr. Cox submitted with his judicial review petition—his original hearing notice from the Lower Appeals Division and a letter from his former

employer that he relied on as evidence at his administrative hearing—related back to that lower Agency decision.

Under LE § 8-5A-12, the court didn't have authority to consider the hearing notice or the letter because the Board hadn't relied on those documents when it dismissed Mr. Cox's administrative appeal. The Board based its decision strictly on the untimeliness of his appeal. Because the hearing notice and the letter weren't relevant to the dismissal, the documents weren't pertinent to the circuit court's review of the Board's decision, and the court didn't err by not considering them. As to Mr. Cox's second assignment of error—that the circuit court relied on the Agency's statements to make its decision—we do not see a basis for revision in our review of the hearing transcript. The court appeared to decide the matter based on the parties' arguments and the statute that governs administrative appeals from the Agency's decisions.

Because Mr. Cox's motion did not present compelling grounds for revision of the court's judgment, the only decision before us on appeal, we hold that the circuit court did not abuse its discretion in denying his motion for reconsideration.

**JUDGMENT OF THE CIRCUIT COURT  
FOR BALTIMORE CITY AFFIRMED.  
APPELLANT TO PAY COSTS.**